

Message Text

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NESCO

E.O. 11652: N/A

TAGS: AORG, OCON, UNESCO, SHUM

SUBJECT:EXECUTIVE BOARD WORKING GROUP TO STRENGTHEN
UNESCO'S HUMAN RIGHTS PROCEDURES, PARIS, AUGUST 1-5, 1977

REF: PARIS 22155

1. FOLLOWING ARE DEPARTMENT'S COMMENTS ON DRAFT RESOLUTION
SENT REFTEL:

A) IN THE FIFTH PREAMBULAR PARAGRAPH, THE ASSERTION THAT
QUESTIONS AND CASES CONCERNING HUMAN RIGHTS "CONSTITUTE
OBSTACLES" ETC. SHOULD BE CHANGED TO THE CONDITIONAL, I.E.,
"MAY CONSTITUTE OBSTACLES".

B. IN THE EIGHTH PREAMBULAR PARAGRAPH, DEPARTMENT WOULD
PREFER DELETION OF THE PHRASE WHICH ASSERTS THAT NEW UN
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PROCEDURES "ARE SUSCEPTIBLE OF REPLACING" EXISTING
PROCEDURES. DEPARTMENT PRESENT POSITION IS THAT ANY NEW
UN PROCEDURES BASED ON JURIDICAL INSTRUMENTS RATIFIED BY
STATES NEED NOT BE SEEN AS REPLACING EXISTING PROCEDURES
WHICH ARE BASED ON ECOSOC RESOLUTION 728F.

C. IN OPERATIVE PARAGRAPH 11B, DEPARTMENT WOULD PREFER

THAT THE SCREENING GROUP WHICH WOULD BE GIVEN THE TASK OF

DETERMINING RECEIVABILITY OF COMMUNICATIONS BE DRAWN FROM THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS (WHICH EVENTUALLY MAY BE ENLARGED) RATHER THAN FROM THE EXECUTIVE BOARD AS THIS PARAGRAPH PROVIDES. TO HAVE THE

SCREENING FUNCTION CARRIED OUT BY A WORKING GROUP OF THE EXECUTIVE BOARD WOULD INEVITABLY POLITICIZE THE COMMUNICATIONS PROCEDURES AT THE START. DEPARTMENT CONSIDERS IT PREFERABLE THAT THE EXECUTIVE BOARD PLAY NO ROLE IN THE PROCEDURES UNTIL AFTER THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS HAS TAKEN UP AND ACTED UPON THE COMMUNICATIONS.

D. OPERATIVE PARA 11F IS UNCLEAR. AS DRAFTED, IT SUGGESTS THAT IF AN IMPORTANT NUMBER OF RECEIVABLE COMMUNICATIONS CONCERN THE SAME MEMBER STATE THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS WILL TAKE NO ACTION WITH RESPECT TO THEM BUT INSTEAD WILL REFER THEM STRAIGHT AWAY TO THE EXECUTIVE BOARD. DEPARTMENT WOULD PREFER THAT IN CASES IN WHICH AN IMPORTANT NUMBER OF COMMUNICATIONS CONCERN THE SAME MEMBER STATE SPECIAL PROVISION BE MADE THAT THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS CONSIDER THEM TOGETHER PURSUANT TO PROCEDURES LAID DOWN IN SUBPARAS 11C THROUGH E. THE FACT THAT A NUMBER LIMITED OFFICIAL USE

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OF COMMUNICATIONS RELATE TO THE SAME STATE DOES NOT SEEM TO BE REASON ENOUGH TO DENY THE COMPETENCE OF THE COMMITTEE ON CONVENTIONS AND RECOMMENDATIONS TO ACT UPON THEM AND SUBMIT THE APPROPRIATE REPORT TO THE EXECUTIVE BOARD.

E. FINALLY, DEPARTMENT QUESTIONS WHETHER THE CRITERION INCLUDED IN OPERATIVE PARAGRAPH 11H ACCORDING TO WHICH THE FINAL REPORT WOULD NOT (RPT NOT) BE MADE PUBLIC, THAT IS, IF THE ACCUSED STATE TAKES THE NECESSARY MEASURES, WOULD BE WORKABLE. DEPARTMENT SUGGESTS THAT U.S. DEL LEAVE OPEN THE POSSIBILITY THAT A PUBLIC REPORT WOULD BE MADE ON EVERY CASE. A REPORT OF A SUCCESSFUL OUTCOME TO A CASE IN WHICH A STATE TOOK THE NECESSARY MEASURES SHOULD NOT BE OFFENSIVE TO THE STATE CONCERNED.

2. ABOVE COMMENTS HAVE BEEN OFFERED AS GUIDANCE TO U.S. DEL IN NEGOTIATING UPON WRAP UP DOCUMENT FOR SUBJECT MEETING. DEPARTMENT REALIZES THERE MAY BE WIDE DIFFERENCES OF VIEW ON THE PART OF WORKING GROUP MEMBERS ON THIS DOCUMENT AND GIVES U. S. DEL DISCRETION TO SEEK REVISIONS CONSISTENT WITH ABOVE GUIDELINES WHICH IN ITS

JUDGMENT WILL BE BEST OBTAINABLE. CHRISTOPHER

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